

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PETER MUNOZ, JR.,
Petitioner,
v.
NATALIE WOOD, et al.,
Respondents.

Case No. 3:11-cv-00197-LRH-RAM

ORDER

This is a habeas corpus matter under 28 U.S.C. § 2254. Petitioner Peter Munoz was convicted in state district court of one count of attempted lewdness with a child under the age of 14. ECF No. 70-2. The state district court imposed a prison sentence, ordered Munoz to register as a sex offender, and imposed a special sentence of lifetime supervision. Id. Munoz's remaining claims in this action related only to the special sentence of lifetime supervision. See ECF No. 114 at 4. On June 16, 2020, the court determined that Munoz was not entitled to relief on those remaining claims, and the court denied the petition. ECF No. 114. Munoz appealed on July 9, 2020. ECF No. 116. On November 15, 2021, the court of appeals vacated this court's judgment. ECF No. 122. The court of appeals determined that Munoz's conditions of lifetime supervision were not "custodial" within the meaning of § 2254. Id. at 19. The court of appeals concluded that this court lacked jurisdiction over Munoz's habeas corpus petition. Id. The court of appeals remanded for this court to determine whether to allow Munoz leave to file an amended habeas


1 corpus petition that could secure jurisdiction under § 2254, or, alternatively, to consider whether
2 it would be appropriate to construe Munoz's petition as a civil rights complaint under 42 U.S.C.
3 § 1983 after notifying Munoz and obtaining his consent. Id. Munoz did not seek further review
4 of the decision of the court of appeals.

5 Munoz has filed a notice in this court. ECF No. 127. He states "that he does not, at this
6 time, intend to file an amended petition under 28 U.S.C. § 2254 or a complaint under 42 U.S.C.
7 § 1983." Id. Under the terms of the remand from the court of appeals, Munoz's declining to take
8 either alternative puts an end to this action.

9 Reasonable jurists would not find the court's decision to be debatable or wrong, and the
10 court will not issue a certificate of appealability.

11 IT THEREFORE IS ORDERED that this action is **DISMISSED**. The clerk of the court is
12 directed to enter judgment accordingly and to close this action.

13 IT FURTHER IS ORDERED that a certificate of appealability will not
14 issue. DATED: February 25, 2022.

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16 LARRY R. HICKS
17 United States District Judge
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